



Overview:

More than four years ago, the ACM and many of its members and other supporters filed a petition with the Federal Communications Commission regarding the discriminatory treatment against public, educational and governmental (PEG) channels by AT&T U-Verse. As of today, there has been no action by the FCC on the petition, and community media's request for equal treatment with local broadcasters has gone unanswered. Rather, PEG channels continue to suffer from discriminatory treatment in quality, accessibility and functionality by AT&T U-verse. Adding insult to injury, the lack of response by the FCC is emboldening other companies to discriminate against PEG channels.

Earlier this year, the ACM sought feedback from a random sampling of community media centers around the country impacted by the U-verse product. Not only did the PEG centers outline specific issues and concerns with the U-verse product, many have received complaints from their viewers, community groups and government officials regarding the U-verse product. For the record, the issues of concern have not changed:

- AT&T's V-verse Video PEG Product Singles Out PEG, and Essentially Only PEG, for Discriminatorily Inferior Treatment, and Such Discriminatory Treatment Is In No Way "Intertwined" With Broadband Deployment.
- AT&T is in fact providing a Cable Service and is thus a Cable Operator
- Commission rules and decisions likewise establish that PEG channels are subject to the Commission's cable signal quality standards and that cable operators may not single out PEG programming for discriminatory treatment, yet AT&T's PEG product does just that.
- In addition, the "pass through" obligations of the Commission's closed captioning rules apply to any programming that is delivered in closed captioning to a cable operator or other video program distributor, and there is no exception for PEG programming delivered with closed captioning.

Below are a handful of representative responses from PEG centers from around the country outlining critical issues of concern with AT&T's U-verse product:

- *It's difficult to find out channels, they are buried in too many menus, and the quality does not match that of other cable channels.*
- *No preview feed; No tech support; Low image quality, as far as we have heard.*
- *The picture quality is not as good ... We have 47 communities on ch 99 and It takes a lot of time to go through them to reach the station feed.*
- *We can't monitor channel; we get complaints about audio levels (have passed them on to no avail); channel 99 treatment is unequal to other channels*
- *Image quality is poor. As internet usage increases at peak periods, picture quality decreases even further.*
- *It is too hard to locate our channel on the Uverse system. AT&T does not inform subscribers where they can find the PEG channels, although they promised the city that it would provide this information to new subscribers.*
- *AT&T refuses to provide the station with a subscriber feed for monitoring purposes (even for a charge). They claim that they are not permitted to do so. Also the encoders we are using are quite unreliable despite being in AT&T's list of approved models.*
- *We are not able to have Uverse at our facility to monitor the channels, we have to rely on subscribers to call if there is a problem such as no sound during government meetings. It is not easy for subscribers to get to our access channels, too many 'clicks'. Subscribers are not able to switch quickly between an access channel and a regular channel - for instance if they are watching another program and checking to see when the agenda item of interest to them in a government meeting will be addressed.*
- *We've had numerous subscriber reports of problematic reception of PEG channels via U-verse. We serve 10 municipalities in Marin County and problems appear to be localized to certain areas. As far as signal distribution of PEG channels - the use of .wmv streams at a 480x480 resolution does not meet the technical requirement specified in the Federal Cable Act for PEG channel carriage by providers.*
- *There is also no channel program guide available which is not the case for commercial channel providers. On several occasions we have been notified by subscribers that our channels are not working or available on U-Verse. Since AT&T provides no return feed of the channels to us, we cannot provide proper monitoring of the channel carriage on their system. Resolving technical issues with AT&T has also proven difficult. The AT&T T-1 support has apparently been outsourced abroad and the U-Verse support appears to be based in Texas. Each time we have had problems, we have performed the necessary repairs ourselves - no AT&T personnel have been sent to our location. Instead, we have troubleshoot and made repairs in consultation with AT&T personnel via telephone. The solutions have ranged from restarting the AT&T server located at our head end to punching down their T-1 connections to re-establish communications.*